

dominions, or his being a subject trading to the Plantations, are expressly excluded by the strong phraseology of the law itself; by which it is declared in the clearest terms, that the real estate situate in the Plantations, shall be chargeable with all just debts owing by any person to his majesty, or any of his subjects; without any allusion whatever to the residence, domicile, or trading character of the subject or persons thus described as debtors or creditors; nor is there any distinction as to the kind of debts; the estate is made chargeable with all just debts, duties and demands of what nature and kind soever.

Real estates having been thus made "subject to the like remedies, proceeding and process," as personal estate, towards the *satisfaction of such debts as were "due by bond or other
308 speciality;" it followed as a necessary consequence, that upon a judgment against the debtor himself his lands might be taken and sold by a *fieri facias*; and in order that the writ itself should express this new extension of the authority it gave, the words "lands and tenements," were inserted so as expressly to command the levy to be made "of the goods and chattels, lands and tenements," of the defendant. 2 *Harr. Ent.* 678.

The English statute of 1285, 13 Ed. 1, c. 18, declares, that "when a debt is recovered or acknowledged in the King's Court, or damages awarded, it shall be henceforth in the election of him that sueth for such debt or damages to have" an *elegit* to extend one-half of his land, &c., which gives the election immediately as soon as the debt is recovered; and therefore, the land is bound immediately from the time of the recovery of the debt; *Gilb. Execu.* 37; and so the words of this statute of 1732, fixes the liability of the whole from the time of the recovery; and therefore, the lien attaches from the date of the judgment. *Hampson v. Edelen*, 2 *H. & J.* 64. The English statute of 1285, gives the *elegit* to obtain satisfaction for "such debt or damages." This statute of 1732, speaks only of "debts, duties and demands;" and would seem to have relation only to cases arising between persons who stood in the relationship towards each other of debtor and creditor before the institution of the suit. But it has been always construed to extend to all cases where the plaintiff recovered a judgment for a certain sum of money, and thereby became a creditor of the defendant; although the foundation of such a judgment debt was, in truth, not a pecuniary claim, but a mere trespass or personal injury. Hence this statute of 1732, like some others in which the same terms are used, comprehends not only debts, in their proper sense, but duties or things due, as covenants, rents, fines, issues, or just causes of action; for, debt, in its large sense, signifies whatever a man owes. 2 *Inst.* 198, 397; 1 *Niebuhr's His. Rom.* 437.